

**SEC. 13. TOTAL QUALITY MANAGEMENT IN SAFETY ASSESSMENTS.**

In all comprehensive, multidiscipline safety assessments of railroads, the conduct of which is initiated by the Secretary between the date of enactment of this Act and the end of fiscal year 1993, the Secretary shall evaluate the use and effectiveness of total quality management techniques, if any, on the safety practices of the railroad being assessed. The Secretary shall include findings and conclusions based on such evaluation in each such safety assessment report.

**SEC. 14. LOCAL RAIL FREIGHT ASSISTANCE PROGRAM.**

Section 5(q) of the Department of Transportation Act (49 U.S.C. App. 1654(q)) is amended—

(1) by inserting "There are authorized to be appropriated to the Secretary for the purposes of this section not to exceed \$16,000,000 for fiscal year 1992, \$25,000,000 for fiscal year 1993, and \$30,000,000 for fiscal year 1994." after "fiscal year 1991."; and

(2) by striking "any period after September 30, 1991" and inserting in lieu thereof "any period after September 30, 1994".

**SEC. 15. PROCEDURE FOR DETERMINING ACCIDENT REPORTING THRESHOLD.**

(a) **GENERAL RULE.**—In establishing or modifying a monetary damage threshold for the reporting of railroad accidents, the Secretary shall base damage cost calculations only on publicly available data—

(1) obtained from the Bureau of Labor Statistics; or

(2) otherwise obtained from an agency of the Federal Government which has been collected through objective, statistically sound survey methods or which has been previously subject to a public notice and comment process in a Federal agency proceeding.

(b) **EXCEPTION.**—If any data necessary for establishing or modifying a threshold described in subsection (a) is not available as provided in subsection (a) (1) or (2), the Secretary may use any other source to obtain such data, but the use of such data shall be subject to public notice and the opportunity for written comment.

(c) **EFFECTIVE DATE.**—This section shall apply only to the establishment or modification of a monetary damage threshold occurring after the date of enactment of this Act.

**SEC. 16. REPORT ON THE SAFETY OF HAZARDOUS MATERIALS TRANSPORTATION BY RAIL.**

Within one year after the date of enactment of this Act, the Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding issues presented by the transportation by rail of hazardous materials. The report shall include the following information:

(1) For the years 1989, 1990, 1991, and, to the extent available, 1992, relevant data concerning each unintentional release of hazardous materials resulting from rail transportation accidents, including the location of each such release, the probable cause or causes of each such release, and the effects of each such release.

(2) For the years 1989, 1990, 1991, and, to the extent available, 1992, a summary of relevant data concerning unintentional releases of hazardous materials resulting from rail transportation incidents.

(3) A description of current regulations governing hazardous materials rail car placement (including buffer cars), and an evaluation of their adequacy in light of experience and emerging traffic and commodity patterns.

(4) An assessment of regulations, rules, orders, or standards that address rail operations or procedures associated with carry-

ing hazardous materials on rights-of-way having significant grades or high degrees of curvature.

(5) An assessment of the effectiveness and associated costs of requiring deployment of wayside bearing failure detectors for trains carrying hazardous materials.

(6) An assessment of rail tank car rules, regulations, orders, or standards affecting hazardous materials transportation.

(7) The status of all planned or pending regulatory activities of the Secretary (including the status of all regulations required by statute) that seek to address the safe transportation of hazardous materials by rail, and the status of rail hazardous materials enforcement activities.

(8) Such other information as the Secretary determines relevant to the safe transportation of hazardous materials by rail.

**SEC. 17. REPORT ON TRAIN DISPATCHING OFFICES.**

Not later than 18 months after the date of enactment of this Act, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary and the railroad industry to rectify any continuing problems associated with unsatisfactory workplace environments in certain train dispatching offices identified in the National Train Dispatcher Safety Assessment for 1987-1988, published by the Federal Railroad Administration in July 1990. The report shall include recommendations for legislative or regulatory action to ameliorate any such problems that affect safety in train operations.

**SEC. 18. NORTHEAST CORRIDOR SAFETY COMMITTEE.**

(a) **MEETINGS.**—Section 11(c) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended to read as follows:

"(c) The Northeast Corridor Safety Committee shall meet at least once every 2 years to consider matters involving safety on the main line of the Northeast Corridor."

(b) **REPORT.**—Section 11(d) of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended—

(1) by striking "Within one year after the date of enactment of this Act" and inserting in lieu thereof "At the beginning of the first session of the 103rd Congress, and biennially thereafter,"; and

(2) by adding at the end the following new sentence: "The report shall contain the safety recommendations of the Northeast Corridor Safety Committee and the comments of the Secretary on those recommendations."

(c) **TERMINATION DATE.**—Section 11 of the Rail Safety Improvement Act of 1988 (45 U.S.C. 431 note) is amended by adding at the end the following new subsection:

"(e) The Northeast Corridor Safety Committee shall cease to exist on January 1, 1999, or on such date as the Secretary determines to be appropriate. The Secretary shall notify the Congress in writing of any such determination."

Amend the title to read as follows: "An Act to authorize activities under the Federal Railroad Safety Act of 1970 for fiscal years 1992 through 1994, and for other purposes."

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. SWIFT and Mr. RITTER, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and agree to said resolution?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

**186.10 CASH MANAGEMENT IMPROVEMENT**

Mr. PETERSON of Minnesota moved to suspend the rules and pass the bill (H.R. 5377) to amend the Cash Management Improvement Act of 1990 to provide adequate time for implementation of that Act, and for other purposes.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. PETERSON of Minnesota and Mr. HORTON, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

**186.11 CLERK TO CORRECT ENGROSSMENT**

On motion of Mr. PETERSON, by unanimous consent,

*Ordered*, That in the engrossment of the foregoing bill, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

**186.12 NATIONAL SCULPTURE GARDEN POLICE JURISDICTION**

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 5059) to extend the boundaries of the grounds of the National Gallery of Art to include the National Sculpture Garden.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. CLAY and Mr. BARRETT, each for 20 minutes.

After debate,

The question being put, viva voce,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

186.13 THOMAS PAINE MEMORIAL

Mr. CLAY moved to suspend the rules and pass the bill (H.R. 1628) to authorize the construction of a monument in the District of Columbia or its environs to honor Thomas Paine, and for other purposes.

The SPEAKER pro tempore, Mr. MONTGOMERY, recognized Mr. CLAY and Mr. BARRETT, each for 20 minutes.

After debate,  
The question being put, viva voce,  
Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MONTGOMERY, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

186.14 PROVIDING FOR THE CONSIDERATION OF H.J. RES. 502 AND H.R. 5318

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 514):

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 502) disapproving the extension of nondiscriminatory treatment (most-favored-nation) to the products of the People's Republic of China. The joint resolution shall be debatable for one hour, to be equally divided and controlled by Representatives Solomon of New York and Representative Rostenkowski of Illinois or their designees. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion. All points of order against consideration are hereby waived with respect to the measures specified in this section and section 3 of this resolution.

SEC. 2. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the One Hundred Second Congress.

SEC. 3. After disposition of the joint resolution (H.J. Res. 502), it shall be in order to consider in the House the bill (H.R. 5318) regarding the extension of most-favored-nation treatment to the products of the People's Republic of China, and for other purposes. The bill shall be debatable for one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the amendments recommended by the Committee on Ways and Means now printed in the bill, which shall be considered en bloc and which shall not be subject to a demand for a division of the question, and on the bill to final passage without intervening motion except one motion to recommit.

When said resolution was considered. After debate,

On motion of Mr. FROST, the previous question was ordered on the reso-

lution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

186.15 CHINA MFN STATUS DISAPPROVAL

Mr. ROSTENKOWSKI, pursuant to House Resolution 514, called up the joint resolution (H.J. Res. 502) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China.

When said joint resolution was considered and read twice.

After debate,  
Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question was considered as ordered.

The joint resolution was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,  
Will the House pass said joint resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that the yeas had it.

Mr. SOLOMON objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,  
The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 258  
Nays ..... 135

186.16 [Roll No. 285] YEAS—258

Abercrombie	Cooper	Gilman
Ackerman	Costello	Gonzalez
Alexander	Cox (CA)	Gordon
Allen	Cox (IL)	Gunderson
Andrews (ME)	Coyne	Hall (OH)
Andrews (NJ)	Cramer	Harris
Annunzio	Cunningham	Hayes (IL)
Anthony	Darden	Hayes (LA)
Applegate	Davis	Hefley
Aspin	de la Garza	Hefner
Bacchus	DeFazio	Henry
Ballenger	DeLauro	Herger
Barnard	Dellums	Hertel
Barton	Derrick	Hochbrueckner
Beilenson	Dixon	Holloway
Bennett	Donnelly	Hopkins
Bentley	Dooley	Horn
Berman	Doolittle	Horton
Bevill	Downey	Hoyer
Bilbray	Duncan	Hubbard
Blackwell	Dwyer	Hunter
Bliley	Dymally	Hutto
Boehlert	Early	James
Bonior	Eckart	Jefferson
Borski	Edwards (CA)	Jenkins
Boucher	Edwards (OK)	Jones (NC)
Browder	Edwards (TX)	Jontz
Bruce	Engel	Kanjorski
Bryant	Erdreich	Kaptur
Bunning	Espy	Kasich
Burton	Evans	Kennedy
Bustamante	Fascell	Kildee
Byron	Fish	Kleczka
Cardin	Flake	Kostmayer
Carper	Foglietta	Kyl
Chapman	Ford (MI)	LaFalce
Clay	Frank (MA)	Lantos
Clement	Franks (CT)	Laughlin
Coble	Frost	Lehman (FL)
Coleman (MO)	Galleghy	Levin (MI)
Coleman (TX)	Gaydos	Levine (CA)
Collins (IL)	Gejdenson	Lewis (FL)
Collins (MI)	Gekas	Lloyd
Combest	Gephardt	Long
Condit	Gilchrest	Lowey (NY)

Manton	Poshard	Solomon
Markey	Price	Spence
Martinez	Pursell	Spratt
Mavroules	Quillen	Staggers
Mazzoli	Rahall	Stark
McCandless	Ramstad	Stearns
McCollum	Rangel	Stokes
McCurdy	Ravenel	Swett
McHugh	Rhodes	Synar
McMillan (NC)	Richardson	Tallon
McMillen (MD)	Ridge	Tanner
McNulty	Riggs	Tauzin
Mfume	Ritter	Taylor (MS)
Mineta	Rogers	Taylor (NC)
Mink	Rohrabacher	Thomas (GA)
Moakley	Ros-Lehtinen	Thornton
Molinari	Rose	Torres
Moody	Roth	Trafficant
Moran	Rowland	Traxler
Morella	Roybal	Unsoeld
Murtha	Russo	Upton
Myers	Sabo	Valentine
Neal (MA)	Sanders	Vento
Neal (NC)	Sangmeister	Visclosky
Oaker	Sawyer	Walker
Oberstar	Schaefer	Walsh
Obey	Schiff	Washington
Olin	Schroeder	Waters
Olver	Schulze	Waxman
Ortiz	Schumer	Weiss
Owens (NY)	Sensenbrenner	Weldon
Owens (UT)	Serrano	Wheat
Pallone	Sikorski	Wilson
Panetta	Sisisky	Wolf
Parker	Skeen	Wolpe
Pastor	Skelton	Yates
Patterson	Slaughter	Yatron
Paxon	Smith (FL)	Young (AK)
Payne (NJ)	Smith (NJ)	Young (FL)
Pelosi	Smith (TX)	Zeliff
Porter	Snowe	Zimmer

NAYS—135

Allard	Hammerschmidt	Nussle
Anderson	Hancock	Orton
Andrews (TX)	Hansen	Oxley
Archer	Hastert	Packard
Armey	Hoagland	Payne (VA)
AuCoin	Hobson	Pease
Baker	Houghton	Penny
Barrett	Huckaby	Peterson (MN)
Bateman	Hughes	Petri
Bereuter	Inhofe	Pickett
Bilirakis	Jacobs	Pickle
Boehner	Johnson (CT)	Reed
Brewster	Johnson (SD)	Regula
Brooks	Johnson (TX)	Rinaldo
Broomfield	Kennelly	Roberts
Callahan	Klug	Roe
Camp	Kolbe	Roemer
Campbell (CA)	Kopetski	Rostenkowski
Chandler	Lagomarsino	Santorum
Clinger	LaRocco	Sarpalius
Crane	Leach	Saxton
DeLay	Lent	Scheuer
Dickinson	Lewis (CA)	Sharp
Dicks	Lightfoot	Shaw
Dingell	Livingston	Shays
Dorgan (ND)	Lowery (CA)	Shuster
Dreier	Luken	Skaggs
Emerson	Marlenee	Slattery
English	Martin	Smith (IA)
Ewing	Matsui	Smith (OR)
Fawell	McCrery	Solarz
Fazio	McDade	Stallings
Gallo	McDermott	Stenholm
Geren	McGrath	Stump
Gibbons	Meyers	Sundquist
Gillmor	Michel	Swift
Glickman	Miller (OH)	Thomas (CA)
Goodling	Miller (WA)	Thomas (WY)
Goss	Montgomery	Vander Jagt
Gradison	Moorhead	Volkmer
Grandy	Murphy	Vucanovich
Green	Nagle	Weber
Guarini	Natcher	Williams
Hall (TX)	Nichols	Wyden
Hamilton	Nowak	Wylie

NOT VOTING—41

Atkins	Feighan	Lancaster
Boxer	Fields	Lehman (CA)
Brown	Ford (TN)	Lewis (GA)
Campbell (CO)	Gingrich	Lipinski
Carr	Hatcher	Machtley
Conyers	Hyde	McCloskey
Coughlin	Ireland	McEwen
Dannemeyer	Johnston	Miller (CA)
Dornan (CA)	Jones (GA)	Mollohan
Durbin	Kolter	Morrison